

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

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<b>IN RE: NATIONAL PRESCRIPTION</b>	)	
<b>OPIATE LITIGATION</b>	)	<b>MDL 2804</b>
	)	
<b>THIS DOCUMENT RELATES TO:</b>	)	<b>Case No. 1:17-md-2804</b>
	)	
<i>County of Peach, Georgia v. Purdue</i>	)	<b>Judge Dan Aaron Polster</b>
<i>Pharma, et al.</i>	)	
<i>Case No. 1:18-op-45579-DAP</i>	)	
	)	
<i>County of Woodbury, Georgia v. Purdue</i>	)	
<i>Pharma, et al.</i>	)	
<i>Case No. 1:18-op-45575-DAP</i>	)	
	)	
	)	

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**DEFENDANT U-SAVE-IT PHARMACY, INC.’S MOTION FOR LEAVE TO FILE  
MOTION TO DISMISS WITH PREJUDICE FOR UNTIMELY SERVICE**

Pursuant to Case Management Order One (Doc #: 232), Defendant U-Save-It Pharmacy, Inc.<sup>1</sup> (“U-Save”) respectfully seeks leave from the general moratorium on motion filings to file its Motion to Dismiss With Prejudice for Untimely Service. A copy of the Motion is attached hereto as **Exhibit A**. The Motion seeks dismissal of two complaints filed, but not timely served, against U-Save. U-Save understands that pursuant to the Court’s existing orders it does not have an obligation to respond to the complaints at this time. However, in light of the Court’s April 6, 2023 Order Regarding Service of Process (Doc #: 4986)—stating that “[a]t the appropriate time, any defendant may move for dismissal with prejudice of any claim against them filed by a plaintiff that

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<sup>1</sup> At various points, the Plaintiffs have also referenced “U Save It Pharmacy, LLC.” To the best of U-Save’s knowledge, “U Save It Pharmacy, LLC” does not exist. The correct entity name—and the entity that was served—is U-Save-It Pharmacy, Inc.

fails to comply with this Order”—U-Save seeks leave to file its Motion now out of an abundance of caution. U-Save reserves all of its defenses pertaining to issues other than untimely service.

Respectfully submitted,

/s/ Jeffrey S. Dunlap

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**CERTIFICATE OF SERVICE**

A copy of the foregoing *Defendant U-Save-It Pharmacy, Inc. 's Motion For Leave To File Motion To Dismiss With Prejudice For Untimely Service* was filed and served upon Plaintiff's counsel via the Court's electronic filing system on June 13, 2023.

/s/ Jeffrey S. Dunlap

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*One of the Attorneys for Defendant U-Save-It Pharmacy, Inc.*